

U.S. Serial No.: 09/938,688

**REMARKS****I. Introduction**

Claims 1, 4, 6-12 and 14-18 are pending in the above application.

Claims 1, 4, 6-8, 10-12, 14, 15, 17 and 18 stand rejected under 35 U.S.C. § 102.

Claims 9 and 16 stand rejected under 35 U.S.C. § 103.

Claims 1, 11 and 18 are independent claims.

**II. Prior Art**

A. Claims 1, 4, 6-8, 10-12, 14, 15, 17 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Turner (U.S. Pat. No. 6,718,030).

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, Akzo N.V. v. U.S. Int'l Trade Commission, 808 F.2d 1471 (Fed. Cir. 1986); Connell v. Sears, Roebuck & Co., 220 USPQ 193, 198 (Fed. Cir. 1983).

Turner does not disclose or suggest a technique for providing enhanced dial-up capabilities to a network connection in which a connection between a telephone and a dial-up server, through a gateway, is established using a single protocol, as substantially required by each of claims 1, 11 and 18. While the Office action appears to disagree, and directs applicant to column 4, lines 44-67, the Office action is clearly mistaken. Figure 1 of Turner clearly illustrates using two protocols: a "Real Time Protocol" being used to communicate between telephones 16 and 18 to gateway 14, and a "Media Gateway Control Protocol" being used upstream from the gateway 14 between call agent 24. Likewise, the full paragraph of the citation provided in the Office action clearly states "a

U.S. Serial No.: 09/938,688

Real Time Protocol (RTP) ... is used to communicate between users A and B ... and the gateway 14. Col. 4: 34-44. Turner goes on to describe using a different protocol for communications upstream of gateway 14, stating "the gateway 14 is in communication with a call agent 24 using Media Gateway Control Protocol (MGCP)." Col. 4: 44-46. Clearly, Turner requires using both the RTP and MGCP protocols to establish a connection between the telephones and directory server 30.

Accordingly, as Turner does not disclose each and every limitation of claims 1, 11 or 18, Turner does not anticipate claims 1, 11 or 18. Likewise, Turner does not anticipate claims 4, 6-8 and 10 which depend on claim 1, nor claims 12, 14, 15 and 17 which depend on claim 11.

Regarding claims 10 and 17, Turner also does not disclose an ability to analyze a voice to associate it with a telephone number. The citations provided in the Office action, col. 5: 37-48, simply describe translating one telephone number into a network address. There is no discussion of analyzing voice data.

B. Claims 9 and 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Turner in view of Kung et al. (U.S. Pat. No. 6,252,952).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Ecolochem Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); *In*

U.S. Serial No.: 09/938,688

*re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992); and *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). See also MPEP 2143.01.

Neither Turner nor Kung, taken alone or in combination, disclose or suggest providing enhanced dial-up capabilities to a network connection in which a connection between a telephone and a dial-up server, through a gateway, is established using a single protocol, as substantially required by each of claims 1 and 11, from which claims 9 and 16 depend, respectively. Turner does not disclose such as discussed above. Kung also does not disclose such, and the Office action does not rely on Kung as disclosing such.


### III. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Date: July 18, 2005

Respectfully submitted,

By:   
Lawrence T. Cullen  
Reg. No.: 44,489

Motorola Connected Home Solutions  
101 Tournament Drive  
Horsham, PA 19044  
(215) 323-1797